

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling Division**

**PHILIP ALIG, SARA J. ALIG,
ROXANNE SHEA and DANIEL V. SHEA,
Individually and on behalf of a class of persons,**

Plaintiffs,

v.

**QUICKEN LOANS INC., and
TITLE SOURCE, INC.,**

**Civil Action No. 5:12cv114 (lead)
Civil Action No. 5:12cv115
Honorable John Preston Bailey**

Defendants.

JUDGMENT

As all claims in this matter have been resolved, either by this Court or otherwise, this Court enters final judgment as follows:

1. Count 2 of Plaintiffs' First Amended Complaint [Doc. 1-1] (the "Amended Complaint") is **DISMISSED**, with prejudice, as to all Defendants.
2. Count 3 of the Amended Complaint is **DISMISSED**, with prejudice, as to all Defendants.
3. By Order dated June 2, 2016 [Doc. 227], this Court conditionally certified a class with respect to Counts 1, 4, and 7 of the Amended Complaint defined as follows:

All West Virginia citizens who refinanced mortgage loans with Quicken, and for whom Quicken obtained appraisals through an appraisal request form that included an estimate of value of the subject property.

Following this Order, the Court approved notice of this action and the opportunity to opt-out to the members of the class (the "Class Notice"). The Class Notice was mailed to the class members in December 2017 and, in response, William C. Clark, Delia L. Clark, David A. Smith and Beth A. Smith opted-out of the class. In addition, by Order dated September 24, 2018 [Doc. 427], the

Court approved a notice to certain individuals advising them that, although they were previously sent the Class Notice, they were later determined not to be members of the class. This notice was mailed to the affected persons on November 15, 2018. The final class consists of the borrowers on 2,769 West Virginia loans.

4. In its June 2, 2016 Order, this Court also granted, in part, Plaintiffs' motion for partial summary judgment with respect certain aspects of Counts 1, 4, and 7 and granted, in part, Defendants' motion for partial summary judgment with respect to other aspects of the same counts. Consistent with that Order, the Court finally **CERTIFIES** the above class with respect to Counts 1, 4, and 7, **GRANTS** judgment in favor of Plaintiffs and the class in the manner described in its June 2, 2016 Order, and **GRANTS** judgment in favor of Defendants in the manner described in its June 2, 2016 Order.

5. For Count 4, by Order dated July 11, 2017 [Doc. 353], this Court awarded \$3,500.00 in statutory damages to Plaintiffs and the borrower(s) on each of the 2,769 class loans for an aggregate statutory damages award of \$9,691,500.00, payable by Defendants jointly and severally. For Count 7, in the same Order, the Court awarded Plaintiffs and the borrower(s) on each of the class loans the appraisal fees paid by them in an aggregate amount of \$968,702.95, payable by Defendants jointly and severally. No separate damages were awarded for Count 1.

6. Thereafter, this Court directed the Plaintiffs to provide notice to the class of the opportunity to seek actual damages on Count 4, and set a deadline of November 30, 2017 for Plaintiffs and any class members seeking such damages to identify themselves to the Court. That notice was provided and class counsel advised the Court that Plaintiffs and eight other class members were the only persons pursuing actual damages with regard to the class claims certified in this matter. [Doc. 364.] Thereafter, the parties advised the Court that (a) five of the eight class

members had elected to forego pursuing actual damages in connection with the class claims, and (b) resolutions had been reached with respect to actual damages claims of Plaintiffs and the three remaining class members. [Doc. 414.]

7. Except as described above, Count 1 of the Amended Complaint is **DISMISSED** in all other respects, with prejudice, as to all Defendants.

8. Except as described above, Count 4 of the Amended Complaint is **DISMISSED** in all other respects, with prejudice, as to all Defendants.

9. Except as described above, Count 7 of the Amended Complaint is **DISMISSED** in all other respects, with prejudice, as to all Defendants.

10. Count 5 of the Amended Complaint is **DISMISSED**, with prejudice, as to all Defendants.

11. Count 6 of the Amended Complaint is **DISMISSED**, with prejudice, as to all Defendants.

12. Count 8 of the Amended Complaint is **DISMISSED**, with prejudice, as to all Defendants.

13. Count 9 of the Amended Complaint is **DISMISSED**, with prejudice, as to all Defendants.

14. Count 10 of the Amended Complaint is **DISMISSED**, with prejudice, as to all Defendants.

15. Judgment is entered in favor of Plaintiffs and the class in the amount of **\$10,660,202.95**.

16. Post-judgment interest shall accrue in accordance with 28 U.S.C. § 1961.

17. Class counsel may file a petition for attorneys' fees and costs within thirty (30) days following the issuance of the mandate in any appeal(s) taken in this matter or, if no timely appeal is filed, within thirty (30) days of the deadline to file a timely appeal.

It is so ORDERED.

Dated: December 14, 2018


Hon. John Preston Bailey
United States District Judge